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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,250	12/12/2001	John Ruckart	36968/262329 (BS 001253)	6309
23552	7590	05/28/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,250

Applicant(s)

RUCKART, JOHN

Examiner

James A. Kramer

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7-13,15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7-13, 15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7-13, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remington et al. in view of Dedrick.

Remington et al. teaches an electronic bill presentment system. The system contains a biller computing unit which creates customized bills in a preferred format. Remington et al. teaches the biller computing unit also including non-billing materials to the bill, such as advertisements or warnings. (e.g. column 8; lines 10-12) (combining billing information and non-billing information to create a customized communication).

Remington et al. further teaches the consumers receive the billing statement electronically via a network (conveying customized communication to a customer electronically).

Examiner notes that the biller of Remington et al. inherently contains a database with customer billing information and non-billing information. This database is necessarily present for the biller to generate the bill (i.e. the biller must store the information for the bill in a database prior to generating the bill).

Remington et al. does not teach:

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- Stored customer profiles and non-billing information profiles each comprise an identical set of classification based on customer traits.
- Classifying the customers in the database comprising creating a set of classifications that correlate to customer traits and assigning classifications to customers;
- Classifying the non-billing information in the database comprising assigning classifications to non-billing information;
- Combining billing information and non-billing information based on classification matches.

Dedrick teaches a method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner. The apparatus includes an index database, a user profile database, a user profile database and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements. The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement (column 1; line 65- column 2; line 9).

Dedrick further defines the consumer scale for a particular advertisement as dependent on the consumer variables the advertiser selects to associate with the advertisement. Specifically a GUI is provided which presents a set of consumer variables from which the advertiser can select (column 5; lines 20-30). Examiner notes that the consumer variables/characteristics selected by the advertiser as part of the consumer scale are identical to the variables/characteristics in the user profile database.

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Examiner further notes that the consumer scale coupled to the content database represents Applicant's non-billing information. As such, the user profile data (customer information) is related to the content database (non-billing information) where the profile data and the content database coupled to consumer scale each comprise an identical set of classifications based on customer traits.

Dedrick also teaches that by targeting only those audiences which are most likely to be influenced by the advertisement, the advertiser is able to expend his or her advertising resources in an efficient manner.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the bill presentment system of Remington et al. by presenting the consumer with a targeted non-billing information advertisement as taught by Dedrick in order for the advertisers of Remington et al. to expend their advertising resources in an efficient manner.

Remington et al. does not teach sending the customized communication through regular mail channels as a newsletter. Examiner notes that the Official Notice taken in the Office Action mailed 12/3/03 is now admitted prior art. Specifically, it is old and well known in the art for billers to send bills to user through the mail, in order to reach customers that do not have computer access. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Reminton et al. in view of Dedrick by printing out the customized bill and mailing it to the customer, in order to reach those customers that do not have computer access.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

JAK

Richard Chilcot
~~Supervisory~~ Patent Examiner
Technology Center ~~250~~

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